

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LYNN ZELVIN, *on behalf of himself and all others*  
*similarly situated,*

Plaintiff,

-v-

TRIIBE, INC.,

Defendant.

23 Civ. 9253 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On January 4, 2024, the Court *sua sponte* extended Defendant’s deadline to respond to the Complaint until January 17, 2024 and ordered Plaintiff to seek a certificate of default by January 24, 2024 in the event that Defendant failed to meet the new deadline. *See* Dkt. 6. Defendant once again failed to respond to the Complaint but no certificate of default is reflected on the docket. The Court therefore *sua sponte* extends Plaintiff’s deadline to seek a certificate of default to February 1, 2024. If Plaintiff fails to comply with this deadline, the Court may dismiss this case for failure to prosecute. Federal Rule of Civil Procedure 41 authorizes a court to dismiss an action for failure to prosecute or comply with an order of the Court. Fed R. Civ. P. 41(b); *see LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (“[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff’s case *sua sponte* for failure to prosecute . . .”).

SO ORDERED.

Dated: January 25, 2024  
New York, New York



JOHN P. CRONAN  
United States District Judge